THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5464 OF 2007

DATED: 17-04-2007

BETWEEN

Vigneswara Rice & Flour Mill,
Rep. by its Proprietor,
Sri Chava Srinivasa Rao,
Vatsavai (V) & (M), Krishna District,
Presently residing at R/o.D.No.48-178-1,
Suryanagar, HMT Road, Hyderabad.

...PETITIONER

AND

The Managing Director,
A.P. State Financial Corporation,
Chirag Ali Lane, Abids,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner questions the tender notification dated 18.12.2006 calling for sealed tenders from the purchasers for sale of Vigneswara Rice and Flour Mill, land and buildings along with machinery situated in an extent of Ac.0.50 cents and Ac.0.25 cents as well the residential house situated in an extent of Ac.0.25 cents admeasuring 1161.61 square yards.

2. Learned counsel for the petitioner submits that the petitioner filed an application dated 21.12.2006 for One Time Settlement (OTS) of the loan availed by him, by enclosing the requisite amount of Rs.1,25,000/- to consider his request for OTS but the said request has not been considered on the ground that Court cases are pending.

3. Learned counsel for the respondents 1 and 2 submits that if the petitioner withdraws the present writ petition as well as suit in O.S.No.56 of 2006 on the file of the Senior Civil Judge, Nandigama, the respondent Corporation is willing to consider the request of the petitioner for OTS, as indicated vide proceedings in AFC/OPD-IV/DGM/2006-07 dated 28.02.2007.

4. In view of the aforesaid assurance given by the learned counsel for the respondents 1 and 2, learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition and also submits that he would withdraw the suit so as to enable the respondents to consider his request for one time settlement. However, the petitioner apprehends that the respondents may consider the tenders called pursuant to the impugned tender notification dated 18.12.2006.

5. The learned counsel for the respondents 1 and 2 submits that the validity of the impugned tender notification is already over and the respondents are not going to consider the tenders pursuant to said notification.

The writ petition is accordingly dismissed as withdrawn with a liberty to the petitioner to withdraw the suit within one month from today and intimate the same to the respondents. However, as and when the petitioner withdraws the suit and intimates the same to the respondents, the respondents shall consider and pass appropriate orders on the representation of the petitioner dated 21.12.2006 in pursuance of the proceedings of the second respondent dated 28.02.2007. There shall be no order as to costs.

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V. ESWARAIAH, J

April 17, 2007
DSK